

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 126 OF 2004.

The State of Maharashtra. ... Appellant.
Versus.
Bharat Madhav Yadav and others. ... Respondents.

Shri S.V.More, A.P.P.for the Appellant.

None for the Respondents.

CORAM : ABHAY S.OKA, J.

DATED : 7th November, 2006.

P.C.:

1. Heard the learned A.P.P. in support of the application for grant of leave. The acquittal of the Respondents is for offence punishable under sections 324 and 506 (II) read with section 34 of the Indian Penal Code.

2. After having heard the learned A.P.P. for the State and after perusing the Judgment, I find that no case is made out for grant of leave.

3. There was a cross case filed at the instance of the Respondents/Accused. The said case has resulted in discharge in view of the decision of the Apex Court in the case of Common Cause v/s. Union of India.

4. The learned Magistrate has found that the Complainant (P.W.1) and his two brothers (P.Ws.2 and 3) were interested witnesses. No independent witness was examined before the Court who could have thrown light on

the question as to who was the aggressor. The learned Magistrate found that the medical evidence of the Medical Officer was common in this case as well as in the cross case.

5. The view taken by the learned Magistrate is a possible view which could have been taken on the basis of the evidence on record. No case is made out for grant of leave. Appeal is dismissed.

Judge.